IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8900 OF 2004

Satish Balkrishna Naik & Ors. ..Petitioners.

Versus

State of Maharashtra & Ors. ..Respondents.

Mr. Y.E.Moomar for the Petitioners.

Mr.Prashant Naik with Y.R.Naik for Respondent No.4.

Mr. A.H. Palekar, AGP for Respondent No.1-State.

CORAM : S. A. BOBDE, J.

DATED : 19TH JULY, 2005.

P.C.:

1. Rule, returnable forthwith.

2. Mr. Palekar, learned AGP waives service of rule for the Respondent No.1- State.

3. Heard by consent.

4. The dispute is whether the direction of the

Assistant Registrar given on 15.09.2004 is infructuous or not. The Assistant Registrar has directed the Managing Committee of the Respondent No.4 Society to hold Special General Meeting of the Society. It appears that the Divisional Joint Registrar, without hearing the petitioner, has come to the conclusion that the direction dated 15.09.2004 is infructuous since the Special General Meeting has already been held on 05.09.2004. This fact is disputed by Mr. Naidu, appearing for the Respondent No.4 Society.

5. In the circumstances, the impugned order is set aside. The matter is remanded back to the Divisional Joint Registrar for fresh decision in accordance with law, after giving due notice to the petitioners. The Divisional Joint Registrar may decide the matter as expeditiously as possible and in any case not later than two months from date of receipt of the writ of this court.

6. Liberty to apply for consolidation of this matter with Appeal No 184/2004.

7. Petition disposed of in the above terms.

19.07.2005 (S.A.BOBDE,J.)

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